

RESOLUTION NO. 749-21

A Resolution of the Commission of the Port of Port Townsend

AUTHORIZING THE EXECUTIVE DIRECTOR OF THE PORT OF PORT TOWNSEND TO APPLY TO THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES, AQUATIC RESOURCES DIVISION, SEEKING AN AMENDMENT TO THE TERM OF ITS PORT MANAGEMENT AGREEMENT (PMA) TO ENSURE CONTROL & TENURE OF THE SITE THROUGH THE ANTICIPATED USEFUL LIFE OF THE FEDERALLY FUNDED REPLACEMENT JETTY

WHEREAS, the Port of Port Townsend is a municipal corporation established in 1924 under Title 53 of the Revised Code of Washington; and

WHEREAS, under RCW 53, the Port of Port Townsend is responsible for developing and maintaining infrastructure that fosters economic development, providing transportation facilities that support commerce and communities within Jefferson County; and

WHEREAS, under RCW §53.08.020 the Port of Port Townsend is specifically authorized to construct, purchase, acquire, lease, maintain and operate sea walls, jetties, piers, wharves, docks, boat landings, and other harbor improvements subject to all applicable state and federal laws; and

WHEREAS, the Port of Port Townsend has applied to the Economic Development Administration of the United States Department of Commerce for financial assistance through the Economic Adjustment Assistance (EAA) Disaster Recovery Program to partially fund the demolition and replacement of the Point Hudson Jetty (the Jetty); and

WHEREAS, the replacement Jetty, which, barring unforeseen circumstances, is expected to be completed by mid-September of 2024, will have an anticipated useful life of twenty-five (25) to thirty (30) years; and

WHEREAS, the EAA Disaster Recovery Program imposes certain obligations upon the applicant Port, and requires documentation demonstrating that it has control and tenure from project completion through to the end of the anticipated useful life of such federally supported infrastructure; and

WHEREAS, the Port's current Port Management Agreement (PMA) with the Washington State Department of Natural Resources, which was adopted on September 18, 1984 and first amended on September 12, 2014 (PMA No. 20-080014), is set to expire on September 18, 2024, proximate in time to the anticipated completion date of the project and long before the anticipated useful life of the federally supported infrastructure has elapsed; and

WHEREAS, an amended PMA which extended the term of the current agreement to September 18, 2054, would ensure satisfaction of state and federal requirements for control and tenure of the Jetty site;

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Port Townsend, as follows:

Port Executive Director, Eron Berg, or his designee, shall be authorized to submit a formal request to the Washington State Department of Natural Resources, Aquatic Resources Division for a thirty (30) year extension to the Port's current PMA, thereby extending the duration of the agreement through September 18, 2054, and to execute and file such documents as may be necessary for the PMA amendment with the Washington State Department of Natural Resources, Aquatic Lands Division.

ADOPTED this 11th day of August 2021, by the Commission of the Port of Port Townsend and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

ATTEST:




William W. Putney III, Secretary



Peter W. Hanke, President



Pamela A. Petranek, Vice President

APPROVED AS TO FORM:


Port Attorney

